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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER	
CHANIN	
ART UNIT	PAPER NUMBER
123	6

DATE MAILED: 01/28/83

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined. ☒ Responsive to communication filed on 11/8/82 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892 2. ☐ Notice of Informal Patent Drawing, PTO-948  
3. ☐ Notice of References Cited by Applicant, PTO-1449 4. ☐ Notice of Informal Patent Application, Form PTO-152

Part II SUMMARY OF ACTION

1. ☒ Claims 1-20 are pending in the application.  
Of the above, claims 12-21 are withdrawn from consideration.  
2. ☒ Claims 22 has been cancelled.  
3. ☒ Claims 2 + 7 are allowed.  
4. ☒ Claims 1, 3-6 + 8-11 are rejected.  
5. ☐ Claims are objected to.  
6. ☐ Claims are subject to restriction or election requirement.  
7. ☐ The formal drawings filed on are acceptable.  
8. ☐ The drawing correction request filed on has been ☐ approved. ☐ disapproved.  
9. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  
☒ been received. ☐ not been received. ☐ been filed in parent application, serial no. filed on  
10. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.  
11. ☐ Other

Applicant's election with traverse of group I, claims 1-11 in Paper No. 4 is acknowledged. Applicant's argument is not deemed persuasive because, as noted in paper no. 2, the product can be made by materially different processes. Moreover, a prior art search of the process claims requires a search of each process step. The reasons restriction was not required in patent 4,328,334 was probably because it could not be shown that the product could be made by materially different processes. See patent 4,283,527 which contains only product claims.

The requirement is still deemed to be proper and is therefore made FINAL.

Claims 12-21 stand withdrawn from further consideration by the Examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as the disclosure is enabling only for claims limited in accordance with the disclosure at the bridging paragraph of pages 3-4 of the specification. See MPEP 706.03(n) and 706.03(z). This paragraph states that acylation of the N-methyl compound will produce a compound wherein  $R^2$  is an alkanoyl while  $R_3-R_5$  can be other radicals. In this respect, it is noted that all disclosed acylated compounds bears a  $2^1$ -acyloxy group.

                      
                    ↑

Claims 1, 3-6 and 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

In claim 1 as well as in the specification at page 1, the numbering (1" and 4") of the pyran ring is incorrect and does not correspond to the number used in the named compounds.

*okay*  
In claims 3-6 and 8-11 as well as in the specification, the acyl ( $\text{R}-\overset{\text{O}}{\underset{\text{O}}{\text{C}}}-$ ) radical should be changed to the corresponding acyloxy ( $\text{R}-\overset{\text{O}}{\underset{\text{O}}{\text{C}}}-\text{O}-$ ). The compounds as presently named will not have the oxygen atoms attached to the rings.

Claims 2 and 7 are allowable over the prior art of record.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

This application does not contain an Abstract of the Disclosure as required by 37 CFR 1.72(b). An Abstract on a separate sheet is required.

The content of a patent abstract should enable the reader, regardless of the degree of familiarity with patent documents, to ascertain quickly the character of the subject matter covered by the technical disclosure,

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and should include that which is new in the art to which the invention pertains.

The abstract is not intended nor designed for use in interpreting the scope or meaning of the claims, 37 CFR 1.72(b).

Kobrehel et al and Sciavolino are cited for disclosing related compound. The former reference will not be supplied because it is commonly assigned.

Chan:jag

A/C 703

557-2517

1-19-83

A handwritten signature in cursive script, appearing to read "Nicky Chan", with a horizontal line underneath.

NICKY CHAN  
PRIMARY EXAMINER  
ART UNIT 123